

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

May 7, 2015



Rezoning case no. RZ15-07: Texas – Villa Maria Retail, L.P.

CASE DESCRIPTION: a request to amend the development plan of a previously-approved Planned Development – Business District (PD-B)

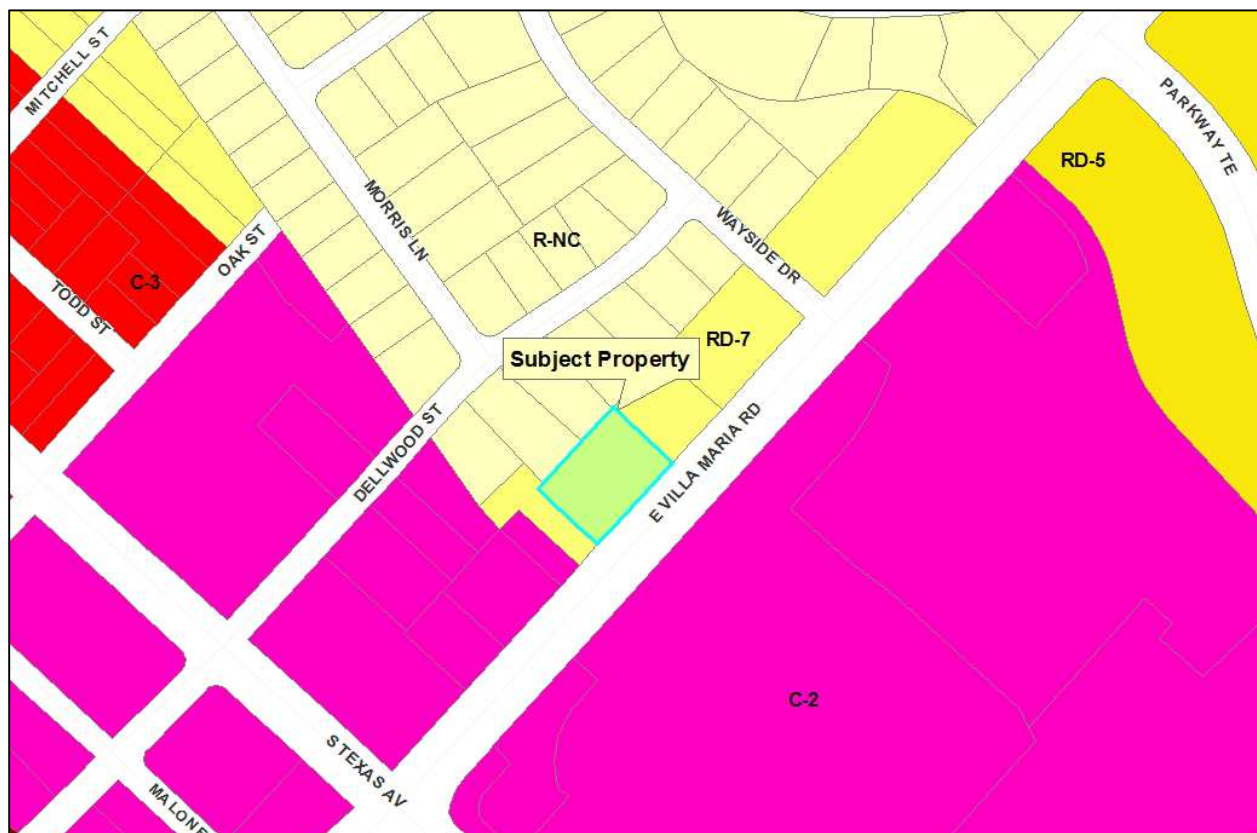
LOCATION: 712 East Villa Maria Road, being Lot 12R in Villa Maria Road Subdivision, and adjoining the north side of East Villa Maria Road between South Texas Avenue and Wayside Drive

PROPERTY OWNER(S): Texas – Villa Maria Retail, L.P.

APPLICANT(S): Steve Griggs, of Development Services Inc.

STAFF CONTACT: Randy Haynes, Senior Planner

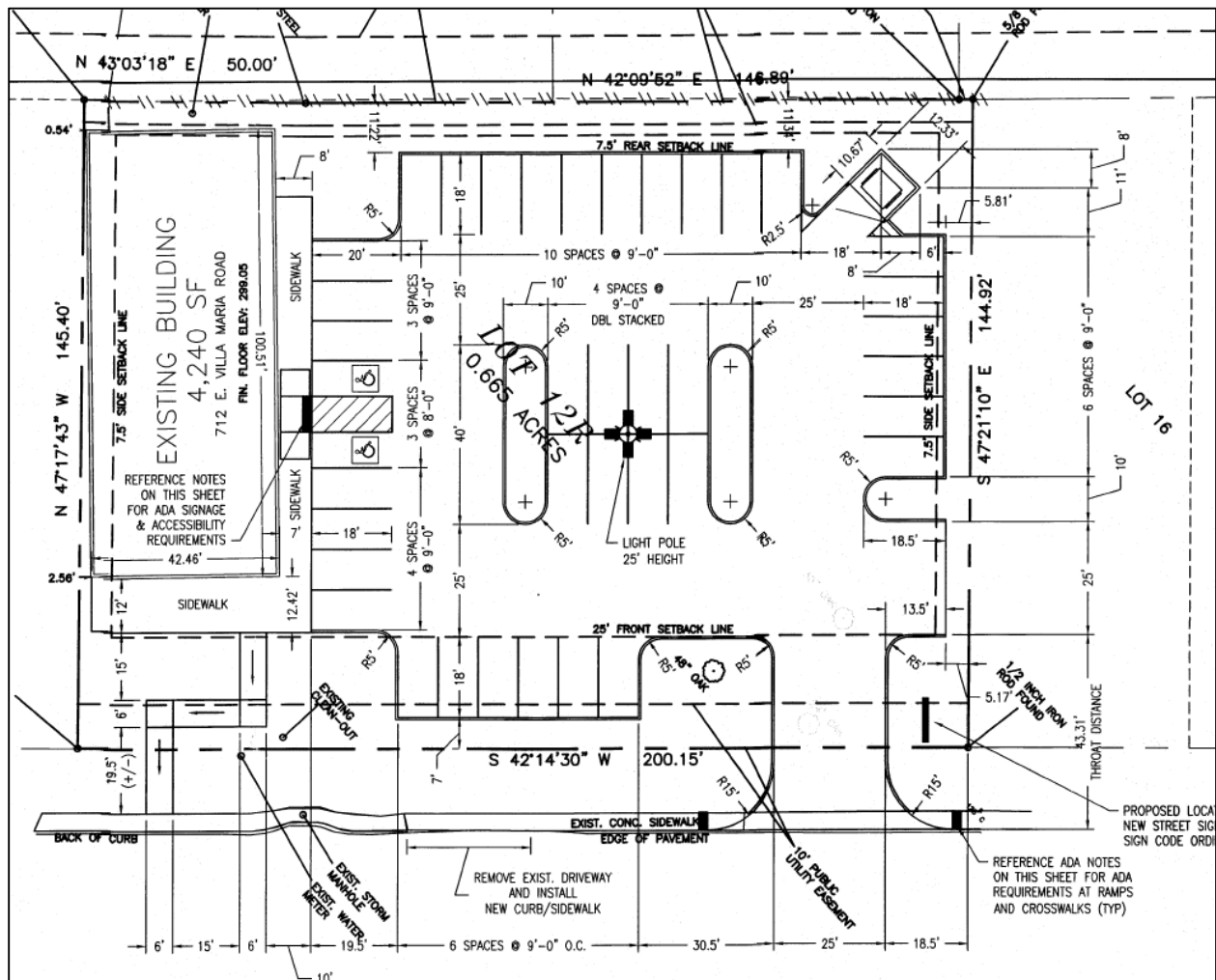
SUMMARY RECOMMENDATION: Staff recommends **approving** the requested development plan amendment.



BACKGROUND:

The applicants/property owners, Texas-Villa Maria Retail, L.P. have assembled ownership of real estate in the immediate area of the subject property over the past 12 years and wish to redevelop the subject tract to accommodate retail tenants.

The previously existing building on the property was damaged by fire on September 12th, 2011 and being a legally nonconforming use, and being damaged to an extent greater than 60% of its Brazos County Appraisal District assessed value, could not be repaired to accommodate a business in the Residential District – 7000 (RD-7) within which it was located at the time. Due to the unique configuration of land uses and existing zoning classifications in the immediate vicinity, Planned Development zoning with site specific development standards was proposed to accommodate the then existing conditions and allow redevelopment. In 2012, the subject property was rezoned from RD-7 District to Planned Development District – Business (PD-B) to provide for the re-use of the damaged building shell and provide for opportunities with retail development (case no. RZ11-10, Ordinance No. 1958). An excerpt from the current development plan for this property is attached below.



excerpt from current PD-B development plan for subject property

Subsequently, the property owners determined that the damaged building shell could not be repaired and returned to use, so the building and foundation were razed and the property has been vacant since. The property owners/applicants wish to redevelop the property with a site arrangement that is slightly different from that approved as part of the development plan, and thus are requesting that the development plan for this PD-B District be amended.

The request was made specifically to allow the construction of two retail lease spaces on the currently vacant property. The new building is proposed to be 7,000 square feet in size, surrounded by off-street parking and landscaping. One particular feature of the proposed development is the proposed preservation of two large oak trees on the property as depicted on the excerpt from the proposed new development plan below.

In order to safeguard the abutting residential properties to the northeast and northwest, the applicants are proposing a development plan that will allow replacement of the previous commercial structure, provide adequate off-street parking for any retail business that should locate here and at the same time mitigate any negative impact that the change may have upon the neighbors. The full development plan drawing is attached to this staff report.

Generally, when a zoning district abuts a non-compatible zoning district, Bryan's zoning regulations require a no-development buffer area to help mitigate noise, lighting and other possible adverse impacts. The standard buffer area in this case where a future retail use would abut property in residential use is 50 feet. In a standard C-2 (Retail) zoning district, that distance may be reduced to 30 feet if additional landscaping is installed in the buffer area. Due to the fact that the subject lot is only 145 feet in depth, the applicant contends that observing the required buffer area would render the property very difficult to develop in a manner that would be commercially viable at this location. As a substitute for the required buffer area, the applicant proposes installing an 8-foot tall decorative concrete screening fence between the northwest, or rear, property line and the adjacent residences. In place of the required northeastern buffer area, a standard wooden screening fence is proposed to help protect an existing residence that fronts E. Villa Maria Road on the adjacent property. Other details of the development plan are outlined below.

Both of the aforementioned features are identical to the previously-approved development plan. What has changed with this proposal is the arrangement of the commercial building and parking on the property. Since the features of the previously-approved development plan are an integral part of the PD-B District zoning that governs development and use of the property, the proposed change necessitates that the applicant seek approval of the proposed plan amendment.

PROPOSED PD-B ZONING:

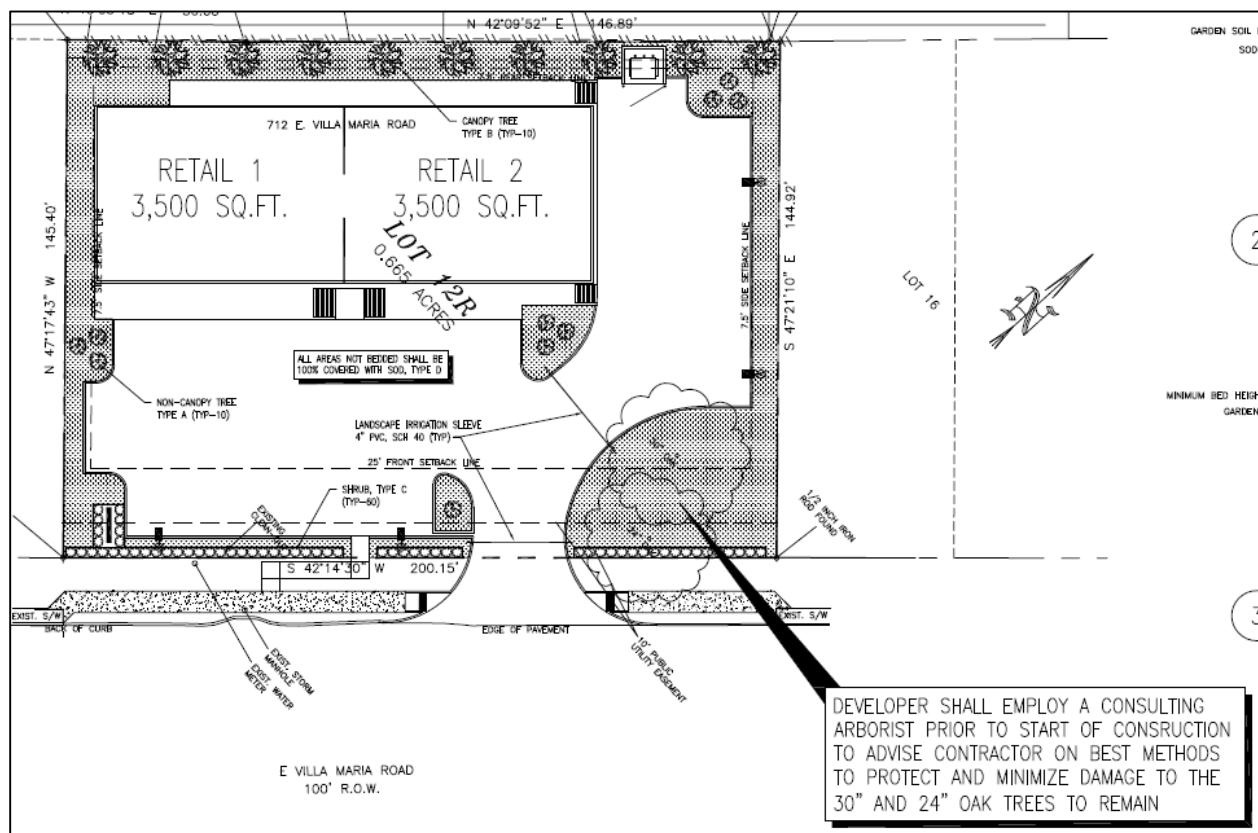
The proposed development plan would allow the construction of a new structure into a 7,000 square foot space designed for retail or restaurant use. The building is proposed to extend within approximately 18 feet from the north (rear) property line and situated parallel to E. Villa Maria Road. Approval of the proposed development plan will create altered buffer area standards for this property, allowing construction of the proposed building and off-street parking in areas on the lot that, under a standard zoning designation, would have to be reserved as a no-development buffer.

As mentioned above, the developer proposes the installation of an 8-foot screening wall intended to help mitigate the negative effects of the proposed 40% decrease in no-development buffer area. The developer contends that changing conditions caused by years of commercial growth have rendered the residential use of the adjacent property to the northeast, addressed as 720 East Villa Maria Road, incompatible with

those uses surrounding. Because of this, the developer proposes what is described as a less permanent, but effective solution to screen their project from that existing home. An 8-foot tall wooden screening fence is proposed along the common property line between Lot 12R and Lot 16.

Other features of the proposed development plan are;

- an area lighting design based on a photometric study that will eliminate the effects of additional light pollution on neighboring properties;
- employment of a consulting arborist to advise the builders on methods to minimize damage to two significant oak trees that will remain on the site; and,
- installation of a section of PaveDrain® permeable paving to mitigate negative impact from development on a portion of the critical root zone allowing future growth.



detail of proposed landscaping plan

[illegible]

PROPOSED DEVELOPMENT REQUIREMENTS/PERMITTED USES:

General Purpose and Description.

This development plan is intended to guide planning of land use and physical development on the subject property. This PD-B development plan is envisioned as a tool to help stabilize and improve property utilization, to facilitate appropriate use of Lot 12 R in the Villa Maria Road Subdivision, ensure protection of surrounding residential properties from foreseeable negative impacts resulting from the permitted retail use of the property, to strengthen the area economy and to promote the general welfare of the community.

Permitted Uses:

- Accessory or incidental uses to the main use (snack or food bars, automatic teller machines, etc.);
- Banks, savings and loans or credit union offices;
- Charitable uses
- Child care--Class B;
- Child care--Class C;
- Recreational/community center;
- Fraternal/service organization;
- General office use (professional, administrative);
- Government (federal or state) owned structures, facilities, or uses;
- Kiosk;
- Laboratory (scientific, research, medical, optical);
- Medical facilities or clinics;
- Museum/art gallery;
- Personal service shop or custom personal services;
- Pharmacies;
- Photography studio;
- Place of worship
- Private utility office (no repair or outside storage);
- Radio or television broadcasting studio (without tower);
- Nursing home (retirement home);
- Schools;
- Veterinary services (no outdoor pens or runs).
- Business or trade school;
- Commercial amusement (indoor);
- Dance studio;
- Fitness center;
- Funeral home/mortuary;
- Laundromats (self-service washateria);
- Micro-assembly;
- Nursery (greenhouse);
- Reception hall;
- Retail services (including incidental uses);
- Restaurant;
- Studio;
- Theater--Indoor.
- College or university;
- Mini-warehouse or self-storage;
- Office--Showroom/warehouse;
- Printing company;

Conditional uses:

- None

Other Regulations:

Sign regulations, refer to sign standards for properties zoned C-2 (Retail District) of the Bryan Code of Ordinances.

Buffer area requirements, in place of a buffer area, a masonry screening fence, eight feet above grade, will be provided along the rear property line. A wood screening fence, eight feet tall, will be required along the northeastern side property line as long as that property is in residential use.

Maximum building height, the maximum building height shall be 20 feet.

Approved Development Plan Drawing, no development or site alterations shall be permitted other than those depicted on the approved development plan drawing.

Unlisted regulations, unless otherwise specified in the approved development plan the minimum requirements for the development shall be those stated in the requirements of the most restrictive standard zoning district in which designated uses are permitted.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted the Comprehensive Plan Update in 2007. The plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making its recommendation regarding this proposed zoning change:

- The redevelopment of older commercial areas along major corridors. - The Comprehensive Plan specifically refers to this area along Villa Maria Road as containing a number of underutilized buildings that should be redeveloped to help beautify the area and increase the tax base.

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

The subject property lies along East Villa Maria Road which is identified as an arterial roadway. The lots to either side of the subject property are zoned for residential use, Residential District – 7000 (RD-7), and the property abutting the rear, Residential – Neighborhood Conservation District (R-NC). The actual land uses present along this segment of E. Villa Maria Road are exclusively retail in nature except for one residence, 720 East Villa Maria Road, which abuts the subject property on its northeast boundary. To the rear, all of the lots are developed with single family residences that face Dellwood Street. Staff contends that changing conditions along this section of E. Villa Maria Road have made commercial use of the subject property appropriate. Due to the overall development pattern however, improvement of the subject property would be unlikely given normal standards.

The proposed development plan attempts to mitigate potentially adverse impacts to the immediate residential properties while allowing the applicant reasonable use of his land. From a long range point of view, such as that taken by the 2007 Comprehensive Plan and the 2001 Central Business Corridor Plan, the subject property should be in commercial use.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

The subject property adjoins East Villa Maria Road, an arterial roadway, capable of accommodating the traffic load typically associated with commercial development. Major water, fire protection and sanitary sewer lines serve the area. No significant changes to these facilities are planned.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There is very little vacant land zoned for retail use available in the vicinity of the subject property. Citywide, there is a moderate supply of vacant or underdeveloped property zoned for retail use.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

The past 20 years have seen major redevelopment activity in the immediate area of the subject property, almost all of that for retail land uses.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

Staff contends that other areas designated for similar development will be unaffected by the proposed zoning amendment on this relatively small tract of land. The adjacent parcels along E. Vila Maria Road that remain zoned for residential use should ultimately be addressed; but for the same reasons that impact an amendment decision on the subject property, care should be given and standard zoning classifications may not provide adequate safeguards to the interests of all parties.

6. Any other factors affecting health, safety, morals, or general welfare.

Negative factors not addressed by the proposed development plan have not been identified.

In addition, the Planning and Zoning Commission shall not approve a planned development if it finds that the proposed planned development does not conform to applicable regulations and standards established by Section 130-125 of the Zoning Ordinance:

1. Is not compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features, within the standards established by this section.

The proposed retail uses are compatible with those business uses that already exist in the area. The adjacent residences represent a major concern however as the proposed uses are not compatible with the residential neighborhood located to the northwest of the subject property. Staff contends that the proposed development plan reasonably balances both interests by requiring the installation of a concrete screening fence eight feet tall along the property line dividing the subject tract from the residences facing Dellwood Street.

2. Potentially creates unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of this section.

By placing a new structure as proposed, and limiting its height to 20 feet, the proposed development is unlikely to create additional unfavorable effects than those that have existed for almost 50 years at this location. The addition of the proposed screening wall should in fact reduce that impact somewhat as well as mitigate the added impact that the parking area will produce on the existing residences.

3. Adversely affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Staff contends that the proposed development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity. While the proposed business use at this location will increase the flow of traffic at various times, East Villa Maria Road being an arterial roadway, can reasonably be expected to accommodate traffic loads typically associated with the proposed retail use.

4. Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

Staff finds that the features of the proposed development plan reasonably protect adjacent properties from negative impacts from lighting or signage.

5. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Staff finds that the existing City of Bryan site development standards will protect adjacent properties from the negative impacts of erosion, flood or water damage. Staff further finds that the features of the proposed development plan reasonably protect adjacent properties from noise, glare and similar impacts.

RECOMMENDATION:

Based on all of aforementioned considerations, staff recommends that the Planning and Zoning Commission recommend that the City Council **approve the proposed amendment** to the existing PD-B zoning on this property.

**EXCERPT FROM MAY 17, 2012 PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES:**

10. Rezoning RZ11-10 Texas-Villa Maria Retail, LP

R. Haynes

A request to change the zoning classification from Residential District – 7000 (RD-7) zoning district to Planned Development – Business District (PD-B) on 0.665 acres of land adjoining the north side of East Villa Maria Road between South Texas Avenue and Wayside Drive, being Lots 12 thru 15 of Villa Maria Road Subdivision in Bryan, Brazos County, Texas.

Mr. Haynes presented the staff report (on file in the Development Services office). Staff recommends approving the request based on the following:

- Staff contends that the proposed development will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity
- Staff finds that the features of the proposed development plan reasonably protect adjacent properties from negative impacts from lighting or signage

Responding to a question from Chairperson Beckendorf, Mr. Haynes stated he had received no feedback from citizens regarding the rezoning.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Jones moved to recommend approval of Rezoning RZ11-10 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Hickle seconded the motion.

Chairperson Beckendorf asked if there was any discussion.

Commissioner Hickle commended staff for their work on this case.

The motion passed with a unanimous vote.

EXCERPT FROM JUNE 12, 2012 CITY COUNCIL REGULAR MEETING MINUTES:

6. REZONING REQUEST RZ 11-10 (RZ 11-10)

a. Public Hearing – Rezoning Request (RZ 11-10)

Staff presented information regarding a request to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances by changing the zoning classification from Residential District-7000 (RD-7) to Planned Development District-Business (PD-B), subject to development requirements, on 0.665 acres of land adjoining the north side of East Villa Maria Road between South Texas Avenue and Wayside Drive, being Lot 12R of Villa Maria Road Subdivision in Bryan, Brazos County, Texas. It was reported the Planning and Zoning Commission unanimously recommended approval. The public hearing closed at 6:15 p.m. with no comments.

b. First Reading of an Ordinance – Rezoning Request (RZ 11-10)

Councilmember Southerland moved to approve the first reading of an ordinance of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances by changing the zoning classification from Residential District-7000 (RD-7) to Planned Development District-Business (PD-B), subject to development requirements, on 0.665 acres of land adjoining the north side of East Villa Maria Road between South Texas Avenue and Wayside Drive, being Lot 12R of Villa Maria Road Subdivision in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Cortez and carried with all present voting aye.

EXCERPT FROM JUNE 26, 2012 CITY COUNCIL REGULAR MEETING MINUTES:

7. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Madison made a motion to approve the consent agenda. The motion was seconded by Councilmember Hughes and carried with all present voting aye, except Councilmember Horton abstained from the vote as it related to agenda items 7 c and 7 d only.

a. Approval of Minutes – Workshop and Regular Meetings of June 12, 2012.

b. Second and Final Reading of an Ordinance – Rezoning Request (RZ 11-10)

Second and final reading of Ordinance No. 1958 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances by changing the zoning classification from Residential District-7000 (RD-7) to Planned Development District-Business (PD-B), subject to development requirements, on 0.665 acres of land adjoining the north side of East Villa Maria Road between South Texas Avenue and Wayside Drive, being Lot 12R of Villa Maria Road Subdivision in Bryan, Brazos County, Texas.